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FM AMEMBASSY DUSHANBE
TO RUEHC/SECSTATE WASHDC 8600
INFO RUEHFR/AMEMBASSY PARIS 1525
RUEHKO/AMEMBASSY TOKYO 1543
RUEKJCS/SECDEF WASHDC
RHMFIUU/HQ USCENTCOM MACDILL AFB FL
RHMFISS/HQ USEUCOM VAIHINGEN GE
RUCNDT/USMISSION USUN NEW YORK 1337
RUEHNO/USMISSION USNATO 1734
RUEHVEN/USMISSION USOSCE 1794
RUEHBS/USEU BRUSSELS 1094
RUEHDBU/AMEMBASSY DUSHANBE 0018
RUCNCIS/CIS COLLECTIVE
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHINGTON DC
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RUEHAK/AMEMBASSY ANKARA 1827
RUEHBJ/AMEMBASSY BEIJING 1825
RUEHRL/AMEMBASSY BERLIN 1769
RUEHIL/AMEMBASSY ISLAMABAD 1823
RUEHBUL/AMEMBASSY KABUL 1784
RUEHLO/AMEMBASSY LONDON 1711
RUEHNE/AMEMBASSY NEW DELHI 1811

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STATE FOR SCA/CEN, DRL

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SUBJECT: EIGHT WEEKS OUT: CCER ISSUING DECREES LEFT AND RIGHT

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¶1. Tajikistan's Central Committee on Elections and Referenda (CCER) signed a new decree September 15 addressing candidates' usage of mass media during the presidential campaign, establishing polling stations and forming a working group to deal with international observers. The decrees are a small step forward, but media time is still limited and the CCER did not fully engage political parties in the process. CCER members signed the decree in the presence of the Ministry of Foreign Affairs, Parliament members, Ministry of Justice, presidential advisors, media and the international community. Although the meeting is supposedly open to all, political parties were not invited to the table.

¶2. The decree signed on September 15 grants each candidate a total of 30 minutes of TV and radio airtime and 10 minutes for each candidate's proxies. A candidate may have up to 15 proxies. Candidates are allowed to submit articles for publication in state and independent press. When submitting articles to newspapers, the candidate's article should not exceed ten double-spaced typed pages. If a candidate wishes to obtain more airtime or press space, he must fund it himself. During the meeting, a state television representative piped up and protested that the amount of free airtime is too much. Boltoyev, Chairman of the CCER, assuaged him by saying that the amount of time is not excessive and pointed out that in other countries, candidates are on the air 24/7. Campaign posters for all candidates will be in A3 format, the text will be in size 16 font and the candidate's photo should be no bigger than 9 x 14.

¶3. The decree named an 11-person committee to work with and organize international observers for the election. It also listed 26 voting stations to be set up abroad. Several polling station sites will be established in Russia to accommodate the numerous labor migrants. Other countries include Afghanistan,

former Soviet Union countries and South Asian neighbors. Two stations will be set up in Washington, DC and New York. In a meeting with PolOff, Deputy Head of the CCER, Muhibullo Dodojonov agreed to allow observers in the polling stations abroad as well. The election protocols will be posted at polling stations and distributed to international observers, political parties and other such groups.

DECREES 42 and 43

14. The CCER issued decrees number 42 and 43 signed September 4, but the international community did not receive a copy until the week of September 11 and the majority of political parties did not receive the decree at all. EmbOffs distributed copies of the signed decrees to political parties. Decree 42 sets out the rights and responsibilities of international and domestic observers. Decree 43 stipulates guidelines for political parties to register representatives to the district and provincial election committees. Each party must submit the name of its one representative to each local election committee for CCER approval 45 days prior to the election.

15. When international missions received Decree 42 and 43, UNTOP, OSCE, IFES and PolOff lobbied the CCER to implement changes. For example, in the original draft of Decree 42, international observers were not allowed to be present in voting booths while voters marked their ballots. This rule was not restricted to the political party representatives, which meant that if a party representative tried to influence a voter in the booth, he would, technically, be allowed. Also Decree 43 did not explicitly allow parties that did not nominate candidates to the election to field observers.

16. In PolOff's meeting with Dodojonov September 12 he agreed to modify the Decrees based on the concerns the international

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community raised. The CCER then edited the Decrees and re-signed them incorporating concerns raised including bringing into congruence rules for international and local political observers and permitting all political parties to field observers. Dodojonov acknowledged that Tajikistan still has a long way to go in order to fully meet international standards. Dodojonov made a plea for international financial assistance to fund publications of election manuals so that international observers and local commission members know all the rules. He also commented that the CCER is cash-strapped. Because the CCER does not have money for salaried employees, local governments handpick district and provincial elections commission members. According to Dodojonov, because of this, the commissions are often biased. If the CCER could employ and train its own employees, the commissions would be more independent. He welcomes short-term OSCE observers and international assistance in reforming elections procedures in Tajikistan.

MORE CHANGES TO COME

17. An IFES international consultant will be working with the CCER on developing an elections manual, which will delineate precise voting regulations and instructions. This manual will clarify remaining ambiguities. The CCER has agreed to turn the manual into an official decree, giving its contents the status of law.

18. The OSCE is expected to send a full-scale observation mission with 100 short-term observers. However, this decision can be rescinded if the OSCE deems that no legitimate opposition candidates run in the election or if candidates do not have fair and adequate access to the media.

COMMENT:

19. The amount of free media time and space stipulated in the

latest decree for candidates is limited. By virtue of being president, Rahmonov has practically unlimited exposure in the media. He is the wealthiest of any prospective candidate and can buy all the press time he wants.

¶10. Another point of concern is the lack of engagement with all political parties. Although the CCER has been open and cooperative with the international community, they have not made a strong effort to reach out to political parties, evident by the fact that political parties were not informed about the decrees and did not participate in the last CCER meeting.

¶11. The changes that Dodojonov and the CCER were willing to make to the decrees show they are genuinely concerned about how Tajikistan is perceived by the international community. But the shortcomings in the original draft of Decrees 42 and 43 show that the CCER still needs a lot of hand-holding. Working with IFES's consultant Ian Smith to edit necessary changes into the election manual so it can be issued as a decree is critical to laying the legal foundation for the election process. This also paves the way for future elections and opens the door for further reform.

END COMMENT.
JACOBSON